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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,298	10/10/2003	Zeenat Jetha	23607US01	7344

23446 7590 12/09/2011
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EXAMINER	
CHOW, JEFFREY J	

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
12/09/2011	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/682,298
Filing Date: October 10, 2003
Appellant(s): JETHA ET AL.

Jeffrey B. Huter (41,086)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 28 October 2011 appealing from the Office action mailed 28 June 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

BPAI Decision on 30 December 2009

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 2, 14, 15, 19 – 21, 33, 34, 50, and 51 are rejected under 35 U.S.C. 101.

Claims 1 – 15, 19 – 34, 36 – 45, and 47 – 51 are rejected under 35 U.S.C. 103(a).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0044154	Baar et al	04-2002
20030052896	Higgins et al.	03-2003
6,697,067	Callahan et al.	02-2004
5,638,523	Mullet et al.	06-1997

WO 99/42854, Witte et al., 08-1999

Dürsteler, "The digital magazine of InfoVis.net", 04-2002

Carpendale, "A Framework for Elastic Presentation Space", 1999

Applicant Admitted Prior Art, paragraphs 66 and 81

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 14, 15, 19 – 21, 33, 34, 36, 37, and 47 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al. (US 6,697,067).

Regarding independent claim 1, Baar teaches a machine-implemented method comprising

in response to receiving an indication to edit a region of an image (paragraph 32: a lens is applied to a portion of the image), distorting a predetermined portion (paragraph 32: as an example, a lens is applied to the fifth column) of a first layer of the image (paragraph 47: detailed layer of a geographic map containing, for example, detailed precipitation, population, and disease data are only displayed in a particular region of interest 233) to produce a distorted image for the region having a magnification (paragraph 32: as an example, the font size is increased in the region of interest 233) that is not uniform across the region (paragraph 32 and Figure 4: as an example, the top 420 and bottom 430 of the lens 410 are tapered to provide a continuous transition to the unmagnified text 440),

overlaying the distorted image on a second layer of the image to present an overlaid image on a display (paragraph 47: detailed layer of a geographic map displayed in a particular region of interest 233 is overlaid on the geographic map).

Baar does not expressly disclose altering a presentation for the first layer on the display in response to edits made to the first layer,

propagating edits made to the first layer of the overlaid image through to a presentation for the second layer on the display. Higgins discloses when a change occurs on one map, the system causes the same change to occur on the other map (paragraph 110). It would have been obvious to modify Baar's system to modify one map and propagate changes to other maps (or layers), for example edits made to the geographic map is made to the other layers of the geographic maps, such as the detailed precipitation, population, and disease data. One would be motivated to do so because users would not have to make the same changes to multiple maps (or layers).

Baar does not expressly disclose saving edits made to the presentations for the first layer and the second layer as one or more bookmarks that permit subsequent recall and application to the first layer and the second layer. Callahan discloses an associated configuration of originalCine is saved, originalCINE can be reconfigured to the associated configuration it had when the view was selected, thereby enabling the data to be further manipulated from this point (column 10, lines 1 – 5). It would have been obvious for one of ordinary skill in the art at the time of the invention to further modify Baar's system to use an associated configuration to keep track and store of edits made to the original images, as taught by Callahan, wherein the edits are the types of edits, i.e., annotations, as taught by Higgins. One would be motivated to do so because this would allow other users to see how changes were made from the original images or help save time in editing when making the same edits. One would be motivated to do so because this would allow other users to see the edits made onto the original image without redoing the same edits, thus saving time (Callahan, column 2, lines 5-24).

Regarding dependent claim 2, Baar teaches wherein the distorting further includes

creating a lens surface for the distorted image (paragraph 24 and Figures 1 and 2: distorted surface 230), and

transforming the predetermined portion of the first layer by applying a distortion function to define the lens surface to the predetermined portion of the first layer (paragraph 24 and Figures 1 and 2: points in the basal plane 210, wherein the basal plane contain undistorted 2D data points of the image, are displaced upward onto a distorted surface 230 which is defined by a general 3D distortion function).

Regarding dependent claim 14, Baar teaches wherein the first or second layers are one or more of raster, vector, point or geo-referenced data layers (paragraph 47: geographic map).

Regarding dependent claim 15, Baar teaches wherein the indication, region, predetermined portion, first layer, distorted image, or second layer includes a plurality of the indications, regions, predetermined portions, first layers (paragraph 47: multiple detailed layers), distorted images, or second layers, respectively.

Regarding dependent claim 19, the combination of Baar's and Callahan's systems teaches applying the one or more bookmarks to alter presentations for the first layer and the second layer (Callahan, column 10, lines 1 – 5, associated configuration).

Regarding independent claim 20, Baar teaches a machine-implemented method comprising

distorting a predetermined portion (paragraph 32: as an example, a lens is applied to the fifth column) of a first layer of an image (paragraph 47: detailed layer of a geographic map containing, for example, detailed precipitation, population, and disease data are only displayed in a particular region of interest 233) to produce a distorted image for a region of the image having a magnification (paragraph 32: as an example, the font size is increased in the region of interest

233) that is not uniform across the region (paragraph 32 and Figure 4: as an example, the top 420 and bottom 430 of the lens 410 are tapered to provide a continuous transition to the unmagnified text 440),

overlaying the distorted image on a second layer of the image for presentation on a display (paragraph 47: detailed layer of a geographic map displayed in a particular region of interest 233 is overlaid on the geographic map).

Baar does not expressly disclose altering a digital representation for the first layer in response to edits made to the first layer,

propagating edits made to the first layer to a digital representation of the second layer to obtain an altered digital representation of the second layer. Higgins discloses when a change occurs on one map, the system causes the same change to occur on the other map (paragraph 110). It would have been obvious to modify Baar's system to modify one map and propagate changes to other maps (or layers), for example edits made to the geographic map is made to the other layers of the geographic maps, such as the detailed precipitation, population, and disease data. One would be motivated to do so because users would not have to make the same changes to multiple maps (or layers).

Baar does not expressly disclose saving the altered digital representation for the first layer and altered digital representation for the second layer. Callahan discloses an associated configuration of originalCine is saved, originalCINE can be reconfigured to the associated configuration it had when the view was selected, thereby enabling the data to be further manipulated from this point (column 10, lines 1 – 5). It would have been obvious for one of ordinary skill in the art at the time of the invention to further modify Baar's system to use an associated configuration to keep track and store of edits made to the original images, as taught by Callahan, wherein the edits are the types of edits, i.e., annotations, as taught by Higgins. One would be motivated to do so because this would allow other users to see how changes were made from the original images or help save time in editing when making the same edits. One would be motivated to do so because this would allow other users to see the edits made onto the original image without redoing the same edits, thus saving time (Callahan, column 2, lines 5-24).

Regarding dependent claim 21, Baar teaches wherein the distorting further includes

creating a lens surface for the distorted image (paragraph 24 and Figures 1 and 2: distorted surface 230), and

transforming the predetermined portion of the first layer by applying a distortion function to define the lens surface to the predetermined portion of the first layer (paragraph 24 and Figures 1 and 2: points in the basal plane 210, wherein the basal plane contain undistorted 2D data points of the image, are displaced upward onto a distorted surface 230 which is defined by a general 3D distortion function).

Regarding dependent claim 33, Baar teaches wherein the first or second layers are one or more of raster, vector, point or geo-referenced data layers (paragraph 47: geographic map).

Regarding dependent claim 34, Baar teaches wherein the indication, region, predetermined portion, first layer, distorted image, or second layer includes a plurality of the indications, regions, predetermined portions, first layers (paragraph 47: multiple detailed layers), distorted images, or second layers, respectively.

Regarding dependent claim 50, the combination of Baar's, Higgins', and Callahan's systems teaches wherein said saving comprises saving the altered digital representation for the first layer and the altered digital representation for the second layer to a disk drive (Callahan, column 10, lines 1 – 5, associated configuration is used to recall edits made to the original image; Higgins, paragraph 110: when a change occurs on one map, the system causes the same change to occur on the other map).

Regarding independent claims 36, and 48 and dependent claims 37, 47, and 49, claims 36, 37, 47, 48, and 49 are similar in scope as to claims 1, 2, and 19, thus the rejections for claims 1, 2, and 19 hereinabove are applicable to claims 36, 37, 47, 48, and 49. Baar teaches a data processing system comprising processor, and a memory comprising instructions data are executable on the processor to cause the data processing system to perform operations (Claim 26). Baar discloses one or more computer-readable media comprising instructions stored thereon that, responsive to execution by a data processing system, causes the data processing system to perform operations (Claim 26).

Claims 3, 22, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al. (US 6,697,067) and Dürsteler ("The digital magazine of InfoVis.net", 4/22/2002).

Regarding dependent claim 3, Baar teaches wherein the creating further includes

displaying a graphical user interface ("GUI") over the distorted image for adjusting the lens surface. Dürsteler discloses multiple graphical user interface tools, such as resizing and magnification for adjusting the lens (pg 2, see Figure towards top). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baar's system by incorporating graphical user interface tools for adjusting the content in focus. One would be motivated to do so because this would allow users to adjust the view of the desired content.

Regarding dependent claim 22, Baar teaches wherein the creating further includes

displaying a graphical user interface ("GUI") over the distorted image for adjusting the lens surface. Dürsteler discloses multiple graphical user interface tools, such as resizing and magnification for adjusting the lens (pg 2, see Figure towards top). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baar's system by incorporating graphical user interface tools for adjusting the content in focus. One would be motivated to do so because this would allow users to adjust the view of the desired content.

Regarding dependent claim 38, claim 38 is similar in scope as to claim 3, thus the rejection for claim 3 hereinabove is applicable to claim 38.

Claims 4, 13, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al.

(US 6,697,067) and Dürsteler ("The digital magazine of InfoVis.net", 4/22/2002) and Applicant Admitted Prior Art (AAPA, paragraphs 66 and 81).

Regarding dependent claim 4, Baar teaches wherein the lens surface includes a focal region (paragraph 24 and Figures 1 and 2: a reference view plane 201) and a base region (paragraph 24 and Figures 1 and 2: a distorted surface 230).

The combination of Baar's and Dürsteler's systems teaches GUI includes

an icon configured to adjust a magnification for the lens surface (Dürsteler, pg 2, see Figure towards top: "Magnify" icons),

an icon configured to adjust a degree of scooping for the lens surface (Dürsteler, pg 2, see Figure towards top: "Adjust Lens Scoop" icon),

an icon configured to adjust a size and a shape for the focal region (Dürsteler, pg 2, see Figure towards top: "Resize Focal Region" icon),

an icon configured to adjust a size and a shape for the base region (Dürsteler, pg 2, see Figure towards top: "Resize Base" icon),

an icon configured to adjust a location for the lens surface within the first layer (Dürsteler, pg 2, see Figure towards top: "Move Lens" icon),

an icon configured to adjust a location for the base region within the first layer (Dürsteler, pg 2, see Figure towards top: "Place Lens" icon).

Baar does not expressly disclose a fold control element configured to adjust a degree and direction of folding of the focal region relative to the base region. AAPA discloses "Lens functions that describe basic lens types with point and circular focal regions, as well as certain more complex lenses and advanced capabilities such as folding, have previously been described by Carpendale" (paragraph 66) and "control of the degree and direction of folding (i.e. skewing of the viewer aligned vector 231 as described by Carpendale)" (paragraph 81). It would have been obvious for one of ordinary skill in the art at the time of the invention to further modify the combination of Baar's and Dürsteler's systems to have a fold control element to adjust a degree and direction of folding of the focal region relative to the base region. One would be motivated to do so because this could help users analyze the images by viewing different layers of the same area with the same magnification at different times.

Regarding dependent claim 13, the combination of Baar's and Dürsteler's systems teaches wherein the adjusting is performed and the indication is generated responsive to an input to cause movement of a cursor on the display (Baar, paragraph 52 and Figure 3: control of lens shape is provided by "dragging" a lens border with a pointing device 310).

Regarding dependent claim 23, Baar teaches wherein the lens surface includes a focal region (paragraph 24 and Figures 1 and 2: a reference view plane 201) and a base region (paragraph 24 and Figures 1 and 2: a distorted surface 230).

The combination of Baar's and Dürsteler's systems teaches GUI includes

an icon configured to adjust a magnification for the lens surface (Dürsteler, pg 2, see Figure towards top: "Magnify" icons),

an icon configured to adjust a degree of scooping for the lens surface (Dürsteler, pg 2, see Figure towards top: "Adjust Lens Scoop" icon), an icon configured to adjust a size and a shape for the focal region (Dürsteler, pg 2, see Figure towards top: "Resize Focal Region" icon),

an icon configured to adjust a size and a shape for the base region (Dürsteler, pg 2, see Figure towards top: "Resize Base" icon),

an icon configured to adjust a location for the lens surface within the first layer (Dürsteler, pg 2, see Figure towards top: "Move Lens" icon),

an icon configured to adjust a location for the base region within the first layer (Dürsteler, pg 2, see Figure towards top: "Place Lens" icon).

Baar does not expressly disclose a fold control element configured to adjust a degree and direction of folding of the focal region relative to the base region. AAPA discloses "Lens functions that describe basic lens types with point and circular focal regions, as well as certain more complex lenses and advanced capabilities such as folding, have previously been described by Carpendale" (paragraph 66) and "control of the degree and direction of folding (i.e. skewing of the viewer aligned vector 231 as described by Carpendale)" (paragraph 81). It would have been obvious for one of ordinary skill in the art at the time of the invention to further modify the combination of Baar's and Dürsteler's systems to have a fold control element to adjust a degree and direction of folding of the focal region relative to the base region. One would be motivated to do so because this could help users analyze the images by viewing different layers of the same area with the same magnification at different times.

Regarding dependent claim 32, the combination of Baar's and Dürsteler's systems teaches wherein the adjusting is performed and the indication is generated responsive to an input to cause movement of a cursor on the display (Baar, paragraph 52 and Figure 3: control of lens shape is provided by "dragging" a lens border with a pointing device 310).

Claims 5 – 7, 24 – 26, and 39 – 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al. (US 6,697,067) and Dürsteler ("The digital magazine of InfoVis.net", 4/22/2002) and Mullet et al. (US 5,638,523).

Regarding dependent claim 5, Baar does not expressly disclose wherein the GUI further supports at least one of an icon or a keyboard input for switching between the first and second layers. Mullet discloses a toggle switch 19 can be toggled to place the browsing tool 10 in a permanent magnification mode such that the contents in viewing area 15 is always enhanced (column 6, lines 1 – 4 and Figure 3a) and a user moving the cursor 21 using the cursor control device 25 and the information within the viewing area 15 is not affected until after a predetermined amount of time (column 4, lines 39 – 50). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to toggle between layers. One would be motivated to do so because users may see the desired views for comparison.

Regarding dependent claim 6, the combination of Baar's and Mullet's systems teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting among the first and second layers (Mullet, column 6, lines 1 – 4 and Figure 3a: a toggle switch 19 can be toggled to place the browsing tool 10 in a permanent magnification mode such that the contents in viewing area 15 is always enhanced).

Regarding dependent claim 7, Baar teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting a folded lens surface (paragraph 27: complex lens functions, such as folding, described by Carpendale reference).

Regarding dependent claim 24, Baar does not expressly disclose wherein the GUI further supports at least one of an icon or a keyboard input for switching between the first and second layers. Mullet discloses a toggle switch 19 can be toggled to place the browsing tool 10 in a permanent magnification mode such that the contents in viewing area 15 is always enhanced (column 6, lines 1 – 4 and Figure 3a) and a user moving the cursor 21 using the cursor control device 25 and the information within the viewing area 15 is not affected until after a predetermined amount of time (column 4, lines 39 – 50). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to toggle between layers. One would be motivated to do so because users may see the desired views for comparison.

Regarding dependent claim 25, the combination of Baar's and Mullet's systems teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting among the first and second layers (Mullet, column 6, lines 1 – 4 and Figure 3a: a toggle switch 19 can be toggled to place the browsing tool 10 in a permanent magnification mode such that the contents in viewing area 15 is always enhanced).

Regarding dependent claim 26, Baar teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting a folded lens surface (paragraph 27: complex lens functions, such as folding, described by Carpendale reference).

Regarding dependent claims 39 – 41, claims 39 – 41 are similar in scope as to claims 5 – 7, thus the rejections for claims 5 – 7 hereinabove are applicable to claims 39 – 41.

Claims 8 – 12, 27 – 31, and 42 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al. (US 6,697,067) and Dürsteler ("The digital magazine of InfoVis.net", 4/22/2002) and Mullet et al. (US 5,638,523) and Carpendale ("A Framework for Elastic Presentation Space", 1999).

Regarding dependent claim 8, Baar teaches focal region for displaying a portion of the second layer (Figure 4: lens 410 displaying magnified content of the image). Baar does not expressly disclose wherein the folded lens surface includes a second focal region. Carpendale discloses multiple folding focal regions (Figures 5.9a and 5.9b). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to have multiple folding focal regions. One would be motivated to do so because this could help users to easily analyze multiple areas of interests.

Regarding dependent claim 9, Baar does not expressly disclose wherein the focal region is folded away from an original position relative to the base region. Carpendale discloses the folding focal regions being moved away from the original position and accommodating both magnified views (Figure 5.9b). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to have folding focal regions to move away from the original position and away from each other. One would be motivated to do so because this would allow the focal regions to be easily viewed without occlusion.

Regarding dependent claim 10, the combination of Baar's and Carpendale's systems teaches wherein the second focal region is located at the original position (Carpendale, Figure 5.9b: the magnified portion is based on the desired location to be magnified).

Regarding dependent claim 11, the combination of Baar's and Dürsteler's systems teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting a user adjustable window for display in the focal region (Dürsteler, pg 2, see Figure towards top: lens GUI is overlaid on top of the image; Baar, paragraphs 52 and 53: adjusting various dimensions of the lens by using a point device 310).

Regarding dependent claim 12, Baar teaches wherein the window is configured to display a portion of the second layer (paragraph 47: blending between multiple sets of data, including the basic geographic map, within the regions of interest 233).

Regarding dependent claim 27, Baar teaches focal region for displaying a portion of the second layer (Figure 4: lens 410 displaying magnified content of the image). Baar does not expressly disclose wherein the folded lens surface includes a second focal region. Carpendale discloses multiple folding focal regions (Figures 5.9a and 5.9b). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to have multiple folding focal regions. One would be motivated to do so because this could help users to easily analyze multiple areas of interests.

Regarding dependent claim 28, Baar does not expressly disclose wherein the focal region is folded away from an original position relative to the base region. Carpendale discloses the folding focal regions being moved away from the original position and accommodating both magnified views (Figure 5.9b). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to have folding focal regions to move away from the original position and away from each other. One would be motivated to do so because this would allow the focal regions to be easily viewed without occlusion.

Regarding dependent claim 29, the combination of Baar's and Carpendale's systems teaches wherein the second focal region is located at the original position (Carpendale, Figure 5.9b: the magnified portion is based on the desired location to be magnified).

Regarding dependent claim 30, the combination of Baar's and Dürsteler's systems teaches wherein the GUI further supports at least one of an icon or a keyboard input for selecting a user adjustable window for display in the focal region (Dürsteler, pg 2, see Figure towards top: lens GUI is overlaid on top of the image; Baar, paragraphs 52 and 53: adjusting various dimensions of the lens by using a point device 310).

Regarding dependent claim 31, Baar teaches wherein the window is configured to display a portion of the second layer (paragraph 47: blending between multiple sets of data, including the basic geographic map, within the regions of interest 233).

Regarding dependent claims 42 – 45, claims 42 – 45 are similar in scope as to claims 8, 9, 11, and 12, thus the rejections for claims 8, 9, 11, and 12 hereinabove are applicable to claims 42 – 45.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baar et al. (US 2002/0044154) in view of Higgins et al. (US 2003/0052896) and Callahan et al. (US 6,697,067) and Witte et al. (WO 99/42854).

Regarding dependent claim 51, Baar teaches wherein said distorting comprises producing a focal region with uniform magnification of the first layer (paragraph 32 and Figure 4: lens 410 having an uniform magnification) and a plurality of shoulder regions about the focal region (paragraph 32 and Figure 4: as an example, the top 420 and bottom 430 of the lens 410 are tapered to provide a continuous transition to the unmagnified text 440).

Baar does not expressly disclose each shoulder region of a plurality of shoulder regions presenting a different layer of the image with non-uniform magnification, however Baar does disclose detailed layer of a geographic map containing, for example, detailed precipitation, population, and disease data are only displayed in a particular region of interest 233, while displaying the general geographic map surrounding the region of interest (paragraph 47) and the bottom and top tapered lenses provide a continuous transition (paragraph 32 and Figure 4). Witte discloses a radar image and a visual image are combined for display (Abstract). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Baar's system to blend two different layers in the bottom and top tapered lenses. One would be motivated to do so because this would aide users on providing additional information in the transition regions.

(10) Response to Argument

Regarding claim 1, Appellant argues that the combination of Baar (US 2002/0044154), Higgins et al. (US 2003/0052896), and Callahan et al. (US 6,697,067) does not disclose, teach, or render obvious the claimed limitation “saving edits made to the presentations for the first layer and the second layer as one or more bookmarks that permit subsequent recall and application to the first layer and the second layer" with the reason Callahan discloses saving parameters needed to render a 2D view through a 3D data, but these parameters do not edit or alter a first layer or a second layer of the 3D data (pages 12 and 13). Specifically Appellant argues that Callahan does not disclose "saving **edits**" as claimed since the viewing parameters stored in the associated configuration that changes the view the originalCINE data are not the same as the claimed edits (page 15). The Examiner notes that the limitation for the claim "edits" are alterations made to the first layer that are propagated to the second layer of the image. Specifically, the claim recites "altering a presentation for the first layer on the display in response to edits made to the first layer, propagating edits made to the first layer of the overlaid image through to a presentation for the second layer on the display." Baar does not disclose this limitation as stated on page 5 of the Final Office Action. Baar does disclose a region of interest 233 is a magnified portion of the image (paragraph 32 and Figure 4), and a different detailed layer of a geographic map displayed in a particular region of interest 233 is overlaid on the geographic map (paragraph 47). Higgins discloses when a change occurs on one map at a specified location, such as an annotation, the system causes the same change to occur on the other map at the corresponding location (paragraph 110). The modification to Baar's system, by one of ordinary skill in the art at the time of the invention, would allow edits made to a first layer of the image to propagate to other overlain layers of the image, using the concept taught by Higgins. Now, addressing the claimed limitation, "saving edits made to the presentations for the first layer and the second layer as one or more bookmarks that permit subsequent recall and application to the first layer and the second layer", Baar (as modified by Higgins) does not expressly disclose this limitation. Callahan discloses an associated configuration of originalCine is saved, originalCINE can be reconfigured to the associated configuration it had when the view was selected, thereby enabling the data to be further manipulated from this point (column 10, lines 1 – 5). Callahan discloses storing a different types of edits, wherein the edits store viewing parameters that are modified by the user in the associated configuration for subsequent use. These parameters are interpreted as edit data since the parameter are used to alter the originalCINE file. As stated above, the combination of Baar's and Higgins' systems discloses the claimed "edits" based on the concept taught by Higgins (paragraph 110). Since Callahan does disclose saving a type of edit data, it would have been obvious for one of ordinary skill in the art at the time of the invention to further include in Baar's system as modified by Higgins, the concept of saving edits, wherein the edits are the types of edits disclosed by Higgins. Therefore, the combination of Baar's, Higgins', and Callahan's system teaches the claimed "saving edits made to the presentations for the first layer and the second layer as one or more bookmarks that permit subsequent recall and application to the first layer and the second layer". Examiner briefly notes that the associated configuration is mapped to the claimed one or more bookmarks.

Regarding claim 1, Appellant further argues that there is no factual support for the motivation to modify Baar's system (as already modified with Higgins') with the concept taught by Callahan where it "would allow other users to see how changes were made from the original image or help save time in editing when making the same edits" (pages 13 and 14). Callahan discloses a problem that each user who receive the CINE file must start anew in analyzing the CINE file, which typically results in the same analysis having to be conducted more than once if only the CINE file is transmitted and to alleviate the problem, Callahan's invention is to record a reviewer's selections and, in particular, the derived images, made from a CINE file such that subsequent users reviewing the CINE file, can also have access to previous reviewers selections from the CINE file (column 2, lines 5 – 24). The advantage of Callahan using an associated configuration is to allow users to see changes made from other users and so that time is not unnecessarily wasted in analyzing and deriving desired views of images, thus saving time.

Regarding claims 2, 14, 15, 19, 36, 37, and 47-49, claims 2, 14, 15, 19, 36, 37, and 47-49 stand and fall together with claim 1 (page 15).

Arguments made to claim 20 are similar to arguments made to claim 1 (pages 16 and 17). Therefore the response for claim 20 is the same for claim 1 above.

Regarding claims 20, 21, 33, 34, and 50, claims 20, 21, 33, 34, and 50 stand and fall together with claims 1, 2, 14, 15, 19, 36, and 37 (page 17).

Regarding claims 3, 22, and 38, claims 3, 22, and 38 stand and fall together with claims 1, 20, and 36 (page 17).

Regarding claims 4, 13, 23, and 32, claims 4, 13, 23, and 32 stand and fall together with claims 1 and 20 (page 18).

Regarding claims 5 – 7, 24 – 26, and 39 – 41, claims 5 – 7, 24 – 26, 39 – 41 stand and fall together with claims 1, 20, and 36 (page 18).

Regarding claims 8 – 12, 27 – 31, and 42 – 45, claims 8 – 12, 27 – 31, and 42 – 45 stand and fall together with claims 1, 20, and 36 (page 19).

Regarding claim 51, Appellant argues that the combination of Baar, Higgins, Callahan, and Witte (WO 99/428854) does not disclose each shoulder region of a plurality of shoulder regions presenting a different layer of the image with non-uniform magnification with the reason that even Baar region has a plurality of shoulder regions, the proposed combination results in each of these shoulder regions displaying the same layers (i.e. the Witte radar image with superimposed optical image (pages 20 and 21). The claim limitation recites, "each shoulder region of the plurality of shoulder regions presenting **a different layer of the image** with non-uniform magnification" (emphasis added). The claim does not require that each shoulder region present a different layer of the image from that presented in each of the other shoulder regions. Appellant interprets the limitation as each shoulder region displays a different layer of the image from each of the other shoulder regions. Examiner notes that the claim language make no such requirement and broadly but reasonably interprets the limitation as each shoulder region displays a layer of the image that is different from at least one layer of said image. Baar discloses a plurality of shoulder regions (paragraph 32 and Figure 4: as an example, the top 420 and bottom 430 of the lens 410 are tapered to provide a continuous transition to the unmagnified text 440) and detailed layer of a geographic map containing, for example, detailed precipitation, population, and disease data are only displayed in a particular region of interest 233, while displaying the general geographic map surrounding the region of interest (paragraph 47). Witte discloses a radar image and a visual image are combined for display (Abstract). If mapping the radar image to a first layer and a visual image to a second layer, the merging of the radar image (first layer) and the visual image (second layer) produces another image (different layer) that is not the same image as the radar image (first layer) and the same image as the visual image (second layer). Therefore the new image of the combined radar image and the visual image is a different image from the radar image and the visual image. Therefore, the modifaction of Baar's system to provide a combination of the first layer and the second layer in the shoulder regions reads on the claimed limitation of said distorting comprising producing a focal region with uniform magnification of the first layer and a plurality of shoulder regions about the focal region, and each shoulder region of the plurality of shoulder regions presenting a different layer of the image with non-uniform magnification.

Regarding claim 51, Appellant further argues there is insufficient factual basis and insufficient reasoning to arrive at the motivation of combining Witte with Baar would aide users on providing additional information in the transition regions (page 20). Before the modification of Baar's system with the concept of Witte, the shoulder regions of Baar either only display the first layer or the second layer. Modifying the shoulder regions of Baar's system so that both the first layer and the second layer are displayed in an overlapping manner in the shoulder regions would reasonable display additional information in the shoulder regions that were not previously displayed before the modification of Baar's system with the concept of Witte.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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